

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ZUFFA, LLC, a Nevada limited liability  
company,  
  
Plaintiff,  
  
vs.  
  
DOES 1-100, ROE BUSINESS ENTITIES 1-  
100,  
  
Defendants.

Case No. 2 : 12 - cv - 1120 - KJD - CWH

**TEMPORARY  
RESTRAINING ORDER, SEIZURE  
ORDER AND ORDER SETTING  
PRELIMINARY INJUNCTION  
HEARING**

UPON CONSIDERATION of the motion filed by Plaintiff Zuffa, LLC ("Plaintiff") for a temporary restraining order and seizure order to prevent Defendants from continuing to manufacture, distribute and sell goods that infringe on Plaintiff's UFC® Marks (deferred in Complaint as UFC®, UFC (stylized)®, ULTIMATE FIGHTING CHAMPIONSHIP® and OCTAGON GIRLS®), the supporting memorandum of points and authorities, the supporting declaration and evidence, the record in this case, and for other good cause shown;

**THE COURT HEREBY FINDS THAT:**

1. Plaintiff will suffer irreparable injury to its valuable trademarks and associated goodwill if Defendants are not enjoined and restrained from continuing to sell and distribute goods that infringe on Plaintiff's UFC® Marks;

2. Plaintiff is likely to succeed on the merits of its claims for trademark infringement and unfair competition;

1           3.       The balance of hardships tips in Plaintiff's favor because a temporary restraining  
 2 order would merely prohibit Defendant from profiting from the sale of infringing goods, but the  
 3 failure to issue a temporary restraining order and seizure order would cause Plaintiff to suffer  
 4 additional irreparable injury and incur additional expense if Defendants relocated beyond the  
 5 Court's jurisdiction and continued to sell their infringing goods, requiring Plaintiff to file  
 6 additional lawsuits in other jurisdictions; and

7           4.       The issuance of a temporary restraining order is in the public interest because it  
 8 would protect consumers against deception and confusion in the marketplace arising from the  
 9 Defendants' use of the UFC® Marks by persons other than Plaintiff;

10           **THEREFORE, IT IS HEREBY ORDERED THAT**, pending a hearing on Plaintiff's  
 11 Motion for Preliminary Injunction, Defendants, their agents, servants, employees, attorneys,  
 12 successors and assigns and all persons, firms and corporations acting in concert with them, and  
 13 each of them, are hereby temporarily restrained from manufacturing, distributing and selling any  
 14 goods, including, but not limited to, clothing, hats, posters, and other merchandise, bearing the  
 15 UFC® Marks;

16           **IT IS FURTHER ORDERED THAT** pursuant to 15 U.S.C. 1116(d), the United States  
 17 Marshal, for this District or any district in which Plaintiff enforces this order, the state police,  
 18 local police or local deputy sheriffs, off-duty officers of the same, and any person acting under  
 19 their supervision, are hereby authorized to seize and impound any and all infringing merchandise  
 20 bearing the UFC® Marks which Defendants attempt to sell or are holding for sale, including any  
 21 from any carton, container, vehicle, or other means of carriage in which the infringing  
 22 merchandise is found, from six (6) hours before to six (6) hours after any UFC® event, within a  
 23 ten (10) mile vicinity of the halls, stadiums or arenas at which said UFC® live event shall be  
 24 held, including, but not limited to, any event associated with International Fight Week in Las  
 25 Vegas, Nevada, from July 3, 2012 through July 7, 2012, and at UFC® 148 on July 7, 2012 at the  
 26 MGM Garden Arena in Las Vegas, Nevada;

27           **AND IT IS FURTHER ORDERED THAT** the United States Marshals Service, the  
 28 state police, local police or local deputy sheriffs, off-duty officers of the same, and any person

1 acting under their supervision, may use all reasonable force in conducting the seizure and may  
 2 open doors, locks, boxes, brief cases, and containers of any type or nature to locate and identify  
 3 Materials to be seized. Attorneys and other representatives of Plaintiff shall accompany the  
 4 United States Marshals Service during the seizure to identify the Materials to be seized.  
 5 Plaintiff's counsel shall itemize and take possession of the seized Materials, provide a copy of  
 6 the inventory to the United States Marshals Service, and file the inventory with the Court.  
 7 Plaintiff agrees to indemnify the United States Marshals Service and hold it harmless from any  
 8 suit, claim, cause of action, damage, loss, or injury arising from the execution of the seizure  
 9 described in this Order;

10 **AND IT IS FURTHER ORDERED** that this order be and is hereby conditioned upon  
 11 Plaintiff's filing with the Clerk of this Court an undertaking in the form of a bond, certified  
 12 check, bank check, credit card or cash in the amount of \$ 2,000.00 no later than July 2,  
 13 2012, to secure the payment of such costs and damages not to exceed such sum as may be  
 14 suffered or sustained by any party who is found to be wrongfully restrained hereby;

15 **AND IT IS FURTHER ORDERED** that this order is conditioned upon Plaintiff's  
 16 advancing to the law enforcement officers identified herein such sum as is required by the same  
 17 to cover the fees for their said services, in the event Plaintiff seeks their services in this or any  
 18 other district;

19 **AND IT IS FURTHER ORDERED** that service of a copy of this order together with  
 20 the complaint, be made upon the Defendants by the United States Marshal, state or local police,  
 21 local deputy sheriffs, or by any person over the age of eighteen (18) years not a party to this  
 22 action selected for that purpose by Plaintiff, at the time of the seizure provided herein is effected  
 23 and that such service shall be deemed good and sufficient;

24 **AND IT IS FURTHER ORDERED** that the process server shall offer a receipt to each  
 25 person from whom infringing merchandise is seized and that Plaintiff shall be deemed substitute  
 26 custodian for all infringing merchandise seized;

27 **AND IT IS FURTHER ORDERED** that each and every Defendant served with a copy  
 28 of this order promptly, courteously and peaceably identify himself or herself to the  
 y

**AND IT IS FURTHER ORDERED** that any Defendant who is hereafter served with a copy of this order who objects to the provisions hereof may submit his or her objections to this Court or otherwise move for relief from this Court according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms herein unless otherwise ordered by this Court.

**UPON CONSIDERATION** of the motion filed by Plaintiff for a preliminary injunction enjoining Defendants from manufacturing, distributing and/or selling goods that infringe Plaintiff's UFC® Marks, the supporting points and memorandum of authorities, the supporting declarations and evidence, record in this case, and for good cause shown;

Further, the Court sets forth the following briefing schedule relating to Plaintiff's motion:

- DATED: June 28 , 2012.

UNITED STATES DISTRICT JUDGE